

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Fitzpatrick et al.

Art Unit 3688

Serial No. 10/675,916

Filed September 30, 2003

Confirmation No. 2091

For PLATFORM SYSTEM AND METHOD FOR EXTENDING SALES AND USE OF A
RESOURCE OF MOTIVATIONAL PROGRAMS

Examiner Raquel Alvarez

APPEAL BRIEF

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TABLE OF CONTENTS

TABLE OF AUTHORITIES	iii
I. REAL PARTY IN INTEREST	1
II. RELATED APPEALS AND INTERFERENCES.....	1
III. STATUS OF CLAIMS	2
IV. STATUS OF AMENDMENTS	2
V. SUMMARY OF CLAIMED SUBJECT MATTER	2
VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL .	8
VII. ARGUMENT--The claims are patentable and not anticipated by Eggleston	8
A. Rejection under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,061,660 (Eggleston)	8
1. Summary of Eggleston.....	9
2. Claims 1, 3-10, 13-25 and 27-47.....	10
a. Eggleston does not teach the combination of elements recited by claims 1 and 25.....	11
b. Eggleston teaches away from a centralized platform.....	17
c. Contrary to Examiner's Arguments, Eggleston <i>only</i> illustrates that each sponsor can download and operate their modified program via their processor/site.....	20
d. Contrary to Examiner's Arguments, Eggleston does not teach the consolidated accounts	26
e. Contrary to Examiner's Arguments, Eggleston does not teach a separate site coordinator interface	30

f. Contrary to Examiner's Arguments, Eggleston does not teach a site coordinator interface which is different than the administrative interface	34
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B. Rejection under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,061,660 in view of Official Notice	39
VIII. CONCLUSION	40
IX. CLAIMS APPENDIX	41
X. EVIDENCE APPENDIX	59
XI. RELATED PROCEEDINGS APPENDIX	60

TABLE OF AUTHORITIES

CASES

<i>Schering Corp. v. Geneva Pharmaceuticals</i> , 339 F.3d 1373, 1379 (Fed. Cir. 2003)	8
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REFERENCES

M.P.E.P. § 2131	8
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Examiner Raquel Alvarez

September 21, 2009

APPEAL BRIEF

This is an appeal from the final rejection of the claims of the above-referenced application made in the Final Office action dated **March 19, 2009**. A Notice of Appeal was filed on **June 19, 2009**.

I. REAL PARTY IN INTEREST

The real party in interest in connection with the present appeal is Maritz Inc. of 1375 North Highway Drive, Fenton, Missouri 63099, a corporation of the state of Missouri, owner of 100 percent interest in the pending application.

II. RELATED APPEALS AND INTERFERENCES

Appellant is unaware of any pending appeals or interferences which may be related to, directly affect or be directly affected by, or have a bearing on, the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1, 3-25 and 27-47 as set forth in the Claims Appendix stand rejected. Claims 2, 26 and 51-81 have been canceled. Claims 48-50 have been withdrawn.

The rejection of independent claims 1 and 25 are being appealed. The rejection of dependent claims 3-24 and 27-47 are being appealed based on their dependency from the independent claims. If claim 1 is allowed, claims 3-24 should be allowed based on dependency from claim 1. If claim 25 is allowed, claims 27-47 should be allowed based on dependency from claim 25.

IV. STATUS OF AMENDMENTS

Amendment A was filed after the first Office action and entered by the Examiner. No amendments have been filed after final and entered by the Examiner.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The following summary correlates claim elements to embodiments described in the application specification, but does not in any manner limit claim interpretation. Rather, the following summary is provided only to facilitate the Board's understanding of the subject matter of this appeal.

Brief Overview of Claim 1:

Independent claim 1 is directed to a system for extending sales and use of a resource of programs, with the resource of programs accessible on a centralized platform. (*Application, [0041]; Figs. 1 and 11, elements 100-102*).

Summary of Claim 1:

The system of claim 1 comprises, among other things, a resource of programs for participation by participants, where a participant has one or more participant accounts. (*Application, Figs 1 and 11-14, elements 100-102 and 118; [0043]-[0044]; [0073]*). The system further comprises a centralized platform for providing access to the resource of programs through one or more interfaces via a network, the programs to be operated on the platform. (*Application, [0041]; Figs. 1 and 11-14, elements 100-102, 104, 106, 108*).

The system additionally comprises an administrative interface for use by an administrator for interfacing with the centralized platform. (*Application, [0046]-[0048]; Fig. 2-3, element 104*). The administrative interface permits the administrator to, among other things, access the programs via the platform and select for a client a particular program from the accessed programs. (*Application, [0046]-[0048]; Fig. 2, element 104*). The client has one or more client accounts and the selected particular program is operated by the platform. (*Application,*

[0073]; Figs 1 and 11-14, element 101). The administrator interface further permits the administrator to configure the selected, particular program of the client (*Application, [0046]-[0047]; Fig. 2, element 104; Fig. 4*), track the configured program of the client (*Application, [0046]-[0047], [0076]-[0077]; Fig. 5*), and consolidate the client accounts of two or more programs of the client or consolidate participant accounts of two or more programs in which the participant is enrolled (*Application, [0073]-[0074]; Fig. 2, element 230*).

The system further comprises a site coordinator interface for use by a site coordinator for interfacing with the centralized platform. (*Application, [0076]-[0107]; Figs. 4-9, element 106*). The site coordinator interface permits a site coordinator to, among other things, access a particular program via the platform. (*Application, [0078]; Fig. 4-9, element 106*). The interface also permits the site coordinator to support and administrate the particular program of a client via the platform (*Application, [0078]-[0086]; Fig. 4, elements 402-418*), track the progress of the particular program on the platform (*Application, [0087]-[0088]; Fig. 5, elements 502-514*), issue discretionary awards for the particular program from the platform (*Application, [0089]-[0090]; Fig. 6, elements 602-610*), export data from the particular program on the platform (*Application, [0091]-[0092]; Fig. 7, elements 702-712*), calculate awards relating to the particular program on the platform (*Application, [0093]-[0105]; Fig. 8, elements 802-806*), and fulfill orders

of the particular program via the platform (*Application, [0106]-[0107]; Fig. 9, elements 902-910*).

The system also comprises a participant interface for use by participants of a particular program for interfacing with the centralized platform. (*Application, [0108]-[0114]; Fig. 10, element 106*). The participant interface permits each participant of the particular program to, among other things, access the particular program via the platform and review information relating to the accessed, particular program via the platform. (*Application, [0108]-[0114]; Fig. 10, elements 1002-1018*).

Brief Overview of Claim 25:

Independent claim 25 is directed to a method for extending sales and use of a resource of programs, with the resource of programs accessible on a centralized platform. (*Application, [0041]; Figs. 1 and 11, elements 100-102*).

Summary of Claim 25:

The method of claim 25 comprises, among other things, providing access to the resource of programs for participation on a centralized platform, where the participant has one or more participant accounts. (*Application, Figs 1 and 11-14, element 102 and 118; [0043]-[0044]; [0073]*). Each participant of a particular

program is permitted to access the particular program via the platform and review information relating to the accessed, particular program via the platform.

(Application, [0108]-[0114]; Fig. 10, elements 1002-1018).

The method additionally comprises permitting an administrator to, among other things, access the programs via the centralized platform and select for a client a particular program from the accessed programs. *(Application, [0046]-[0048]; Fig. 2, element 104).* The client has one or more client accounts. *(Application, [0073]; Figs 1 and 11-14, element 114).* The method additionally permits an administrator to configure the selected, particular program of the client *(Application, [0046]-[0047]; Fig. 2, element 104; Fig. 4),* operate the selected particular program on the platform *(Application, [0073]; Figs 1 and 11-14, element 101),* and consolidate the client account of two or more programs of the client or consolidate participant accounts of two or more programs in which the participant is enrolled *(Application, [0073]-[0074]; Fig. 2, element 230).*

The method further comprises permitting a site coordinator to, among other things, access the particular program *(Application, [0078]; Fig. 4-9, element 106),* support and administrate the particular program of the client via the centralized platform *(Application, [0078]-[0086]; Fig. 4, elements 402-418),* track progress of the particular program on the platform *(Application, [0087]-[0088]; Fig. 5, elements 502-514),* issue discretionary awards for the particular program on the

platform (*Application, [0089]-[0090]; Fig. 6, elements 602-610*), export data from the particular program on the platform (*Application, [0091]-[0092]; Fig. 7, elements 702-712*), calculate awards relating to the particular program on the platform (*Application, [0093]-[0105]; Fig. 8, elements 802-806*), and fulfill orders of the particular program via the platform (*Application, [0106]-[0107]; Fig. 9, elements 902-910*).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Appellant appeals the rejections of claims 1 and 25 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 6,061,660 (Eggleston). Claims 3-24 depend from claim 1 and stand or fall with claim 1. Claims 27-47 depend from claim 25 and stand or fall with claim 25.

B. Appellant appeals the rejection of claims 11-12 under 35 U.S.C. 103(a) as being unpatentable over Eggleston et al. (U.S. Patent Number: 6,061,660) in view of Official notice that is old and well known to create websites in order to create an address location on the Internet. In addition, claims 11-12 depend from claim 1 and stand or fall with claim 1.

VII. ARGUMENT

A. Rejection under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,061,660 (Eggleston)

A claim is anticipated only if each and every element as set forth in the claim is disclosed, either expressly or inherently in a single prior art reference.¹ Appellant submit that each and every element as set forth in the recited claims is

¹ M.P.E.P. § 2131. See also *Schering Corp. v. Geneva Pharmaceuticals*, 339 F.3d 1373, 1379 (Fed. Cir. 2003) (citing *Verdegaal Bros., Inc. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987)).

not found, either expressly or inherently in the Eggleston reference. In particular, Eggleston *only* illustrates that each sponsor can download and operate their modified program on their processor/site and fails to disclose a centralized platform in which centralized activity is accomplished on the centralized platform itself, as recited in claims 1 and 25.

Thus, the Eggleston reference does not anticipate the claims.

1. Summary of Eggleston

Eggleston teaches a method for providing incentive programs over a computer network. In particular, the incentive program is downloaded or transmitted to the sponsor for installation and operation at the sponsor's own site after the incentive program is purchased. (Eggleston, FIG. 10, reference character 368; FIG. 11, reference character 388; column 14, lines 50-53; column 19, lines 14-19; and column 19, lines 44-48). For example, Eggleston discloses "[w]hether the sponsor purchases a pre-packaged incentive program or chooses to build an incentive program, the completed incentive program is downloaded to the sponsor for installation on a web site of the sponsor." (Eggleston, column 14, lines 50-53). Eggleston teaches that once the incentive program has been downloaded and installed on the sponsor's own site, the sponsor provides a link to the host. (Eggleston, column 19, lines 20-21 and 49-50; column 30, lines 6-9). For example, at column 14, lines 53-56, Eggleston teaches "[t]he sponsor database is

updated to reflect the presence of the new incentive program, and the sponsor site 194 is updated to include a link to the new incentive program." Next, the host system updates the consumer directory of the consumer site to link to the incentive program installed on the sponsor's own site. (Eggleston, column 15, line 66 - column 16, line 2; column 19, lines 49-52; column 26, lines 62-65) For example, Eggleston discloses "the host computer updates the consumer home page of the consumer site to reflect the presence of a new incentive program and a link to the new incentive program." (Eggleston, column 19, lines 26-29) In other words, Eggleston teaches that a sponsor (1) purchases incentive programs from the sponsor site of the host, (2) downloads the purchased program to the sponsor's own server, and (3) provides a link to the host, as a result, the consumer can access the incentive program on the sponsor's own web server from a HTML link in the consumer directory of the consumer site of the host.

2. Claims 1, 3-10, 13-25 and 27-47

Claim 1 is directed to a system for extending sales and use of a resource of programs, with the resource of programs accessible on a centralized platform. Claim 25 is directed to a method for extending sales and user of a resource of programs, with the resource of programs accessible on a centralized platform.

a. Eggleston does not teach the combination of elements recited by claims 1 and 25.

Appellant submits that claims 1 and 25 are unanticipated by and patentable over Eggleston in that Eggleston fails to disclose or teach a centralized platform in combination with (1) an administrative interface, (2) a site coordinator interface, (3) and a participant interface which interface with the centralized platform:

CLAIM 1:

a resource of programs for participation by participants, wherein a participant has one or more participant accounts;

a platform for providing access to the resource of programs through one or more interfaces via a network, said programs to be operated on the platform;

an administrative interface for use by an administrator for interfacing with the platform, the administrative interface for permitting the administrator to:

access the programs via the platform,

select for a client a particular program from the accessed programs, wherein the client has one or more client accounts and wherein the selected particular program is operated by the platform,

configure the selected, particular program of the client, track the configured program of the client, and consolidate the client accounts of two or more programs of the client or consolidate participant accounts of two or more programs in which the participant is enrolled;

a site coordinator interface for use by a site coordinator for interfacing with the platform, the site coordinator interface for permitting the site coordinator to:

access a particular program via the platform,

support the particular program of a client via the platform,

administrate the particular program on the platform,

track progress of the particular program on the platform.

issue discretionary awards for the particular program **from the platform**,
export data from the particular program **on the platform**,
calculate awards relating to the particular program **on the platform**, and
fulfill orders of the particular program **via the platform**; and
a participant interface for use by participants of a particular program
for **interfacing with the platform**, the participant interface for permitting
each participant of the particular program to:
access the particular program **via the platform**; and
review information relating to the accessed, particular program
via the platform. (Appendix, lines 4-36; emphasis added).

CLAIM 25:

providing access to the resource of **programs for participation by participants on a platform**, wherein a participant has one or more participant accounts;
permitting an **administrator** to:
access the programs **via the platform**,
select for a client a particular program from the accessed programs, wherein a client has one or more client accounts,
configure the selected, particular program of the client,
track the configured program of the client,
operate the selected particular program **on the platform**; and
consolidate the client accounts of two or more programs of the client or consolidate participant accounts of two or more programs in which the participant is enrolled;
permitting a **site coordinator** to:
access the particular program,
support the particular program of the client **via the platform**,
administrate the particular program **on the platform**,
track progress of the particular program **on the platform**,
issue discretionary awards for the particular program **from the platform**,
export data from the particular program **on the platform**,
calculate awards relating to the particular program **on the platform**, and
fulfill orders of the particular program **via the platform**...; and
permitting each **participant** of a particular program to:

access the particular program via the platform, and review information relating to the accessed, particular program via the platform. (Appendix, lines 177-203; emphasis added).

Advantageously, the combination of the recited method and system allows an administrator and a site coordinator to, among other things, access, support, administrate, and track client programs on or via the centralized platform. In contrast, Eggleston does not distinguish between an administrator or site coordinator and would require each to access each sponsor processor/site to separately manage each sponsor program. According to the combination recited by independent claims 1 and 25, in the event that an administrator or a site coordinator wants to make a change to multiple programs, such a change could be made to the programs on or via an interface to the centralized platform, instead of accessing each sponsor processor/site as described in Eggleston.

In rejecting claims 1, 3-10, 13-25 and 27-47 in paragraph 4, page 2 of the final Office action, the Examiner does not point to a single word within Eggleston to support the § 103 rejection. Instead, the Examiner cites only Figures 11, 17, 19, 21 and 23 as the sole basis for obviousness. The Examiner makes a generalized argument that Eggleston discloses a platform for providing access to the resource of programs, the programs being operated on the platform, and permitting an administrator to perform the actions recited in claims 1 and 25. (Final Office action dated March 19, paragraph 4, page 2). With respect to the administrative

actions, the Examiner only provides one citation to Eggleston, Figs. 11 and 23, as disclosing the tracking of a configured program of a client. Additionally, the Examiner generally references Fig. 21 of Eggleston as disclosing a site coordinator interface and also generally references Figs. 17 and 19 as disclosing a participant interface. It remains unclear to Appellant how Eggleston discloses each and every element of the claim, as the Examiner fails to particularly point out or identify the features of Eggleston in the cited portions that arguably disclose each element of claims 1 and 25.

In any case, Appellant submits that Eggleston fails to disclose "a platform for providing access to the resource of programs through one or more interfaces via a network, said programs to be operated on the platform", as recited in claim 1. In addition, Eggleston fails to disclose the recital to "operate the selected particular program on the platform", per claim 25. Instead, Eggleston "permits sponsors to build, buy, store, modify, offer, track and administer incentive programs" on the sponsor's own processor/site (Eggleston, col. 5, lines 46-55), and fails to disclose operating/executing the incentive program on the host machine.

In particular, the Examiner argues on page 2 of the final Office action that Figure 11 teaches a resource of programs on one centralized platform:

With respect to claims 1, 3-9, 16-25, 27-47, Eggleston teaches a system comprising a resource of programs for participation by participants, wherein

a participant has one or more participant accounts (i.e. consumers participate and are provided discounts/incentives/offers under the program)(see figure 11).

However, Figure 11 is a flow chart depicting steps by which a single sponsor may build a single incentive program. Even if we consider the text describing Figure 11 at column 19, the text repeatedly refers to a single sponsor building a single incentive program, not a centralized resource of multiple programs.

In addition, the Examiner argues on pages 2-3 of the final Office action that Figures 11 and 23 teach the administrator interface:

A platform for providing access to the resource of programs through one or more interfaces via a network, said programs to be operated on the platform having an administrative interface for use by an administrator for interfacing with the platform, the administrative interface for permitting the administrator to access the programs via the platform, select for the client a particular program from the accessed programs wherein the client has one or more client accounts and wherein the selected particular program is operated by the platform, configure the selected, particular program of the client, and track the configured program of the client (i.e. sponsoring company selecting the promotion type and tracking the promotions)(see Figures 11 and 23);

However, as noted above, Figure 11 and its text relates to a flow chart depicting steps by which a single sponsor may build a single incentive program. And Figure 23 is a flow chart depicting the participation of a sponsor. Even if we consider the text describing Figure 23 at column 17, the text repeatedly refers to a single sponsor building a single incentive program, not a platform for multiple programs.

In addition, the Examiner argues on page 3 of the final Office action that

Figure 21 teaches the site coordinator interface:

a site coordinator interface for use by a site coordinator for interfacing with the platform, the site coordinator interface for permitting the site coordinator to access the particular program via the platform, and support the particular program of the client via the platform, administrate the particular program on the platform, track progress of the particular program on the platform, issue discretionary awards for the particular program from the platform, export data from the particular program on the platform, calculate awards relating to the particular program on the platform, and fulfill orders of the particular program via the platform (see third party fulfillment)(Figure 21);

However, Figure 21 is a flow chart that depicts the flow of information among the components. Even if we consider the text describing Figure 21 at column 46, it relates to retailer verifying the cardholder, not a coordinator interface for access and support.

In addition, the Examiner argues on page 3 of the final Office action that Figures 17 and 19 teach the participant interface:

a participant interface for use by participants of the particular program for interfacing with the platform, the participant interface for permitting each participant of the particular program to access the particular program via the platform, and review information relating to the accessed particular program (employees or customers)(see Figures 17 and 19).

However, Figure 17 is a schematic diagram depicting the data structures of the consumer database 200, and Figure 19 is a diagram depicting a page displayed by

the graphical user interface of the incentive program builder of the present invention. Even if we consider the text describing Figure 17 at column 13 and the text of Figure 19 at column 36, there is no teaching of a participant interface through which participants can access their multiple programs.

All of the above is in the context of the clear and unambiguous teaching of Eggleston that programs are downloaded by the sponsor. Eggleston unequivocally states that "whether the sponsor purchases a pre-packaged incentive program or chooses to build an incentive program, the completed incentive program is *downloaded to the sponsor* for installation on a *web site of the sponsor*" and that "the sponsor site is updated to include a link to the new incentive program", indicating that a central host does not operate/execute the incentive program. (Eggleston, col. 14, lines 50-53)(emphasis added).

b. Eggleston teaches away from a centralized platform.

Contrary to Examiner's Arguments in paragraph 8 of the final Office action, Eggleston teaches away from a centralized platform and fails to disclose a centralized platform in which centralized activity of multiple programs is accomplished on the centralized platform itself. In the Response to Appellant's arguments, the Examiner asserts that Fig. 10 and related text of Eggleston discloses that the awards programs are centralized because

all the individual programs are accessed through the host interface in addition when a prepackaged incentive program is bought all the details of the incentive program is obtained from the host so therefore in the case of prepackaged program there's no need to download the incentive program from the sponsor's own web server because the information can be readily obtained from the host site (see Figure 10 and related text). (Final Office action dated March 19, 2009, paragraph 8, page 5).

According to the Examiner, "[r]egardless of where the incentive program is downloaded from the host maintains the incentive program on it's own website (centralized) and participants have access to the incentive program through the host". *Id.*

Contrary to the Examiner's assertion, Eggleston teaches away from a centralized platform, as Eggleston instead discloses the purchasing and downloading of a program to a sponsor's processor/site. Eggleston discloses that "whether the sponsor purchases a pre-packaged incentive program or chooses to build an incentive program, the completed incentive program is ***downloaded to the sponsor*** for installation on a ***web site of the sponsor***" and that "the sponsor site is updated to include a link to the new incentive program", indicating that a central host does not operate/execute the incentive program. (Eggleston, col. 14, lines 50-53)(emphasis added). Eggleston generally discloses that a sponsor registers at the sponsor site of the host and that a registered sponsor may provide links (e.g., a URL) to a pre-existing incentive program sites or purchase incentive programs

from the host. (Eggleston, col. 14, lines 5-25). Eggleston also discloses a process of purchasing an incentive program from the host (Eggleston, col. 14, lines 25-50).

Instead, the Examiner uses impermissible hindsight garnered from the claims to read into Eggleston a centralized platform for providing access to the resource of programs. Eggleston describes, at col. 12, lines 39-48, a consumer site which provides a directory of links to incentive programs provided by the host system or provided by a third party, but fails to address where the "provided" incentive programs are executed or operated. Eggleston also discloses that a sponsor can log into the sponsor site of the host (col. 17, lines 25-50) and that standalone software may be used to create the incentive program and the code may be stored in a database (col. 32, lines 53-64). Eggleston, at col. 6, lines 13-19 and 31-46, discloses that a sponsor may list incentive programs on an internet site, obtain incentive programs from the host, build incentive programs using software of the host, associated prizes with incentive programs offered through the listing of the site, the sponsor may fulfill awards won by consumers, and consumers may participate in incentive programs from a plurality of sponsors. Eggleston also generally discloses the process for generating an incentive program (col. 6, line 53 – col. 7, line 6), but **fails** to disclose the **operation** or **execution** of the incentive program. Eggleston generally defines the terms host and sponsor (col. 6, line 53 –

col. 7, line 6), but **again fails** to address the **operation or execution** of an incentive program.

c. Contrary to Examiner's Arguments, Eggleston *only* illustrates that each sponsor can download and operate their modified program via their processor/site.

Eggleston teaches in detail five (5) embodiments where the program is downloaded or mailed to the sponsor for installation at the sponsor's site and does not disclose a single embodiment where the program is operated on a centralized platform, where the programs are operated on the platform. (See, (1) Fig. 10; Column 14, lines 50-65; (2) Fig. 10; Column 19, lines 14-17; (3) Fig. 10; Column 19, lines 18-19; (4) Column 29 line 67 - Column 30 line 9; and (5) Fig. 11; Column 32, lines 37-41.)

Notably, Eggleston does not teach or disclose any embodiments where the incentive program purchased by a sponsor is operated on a centralized platform. In contrast, Eggleston repeatedly discloses that a purchased incentive program is downloaded to the **sponsor's own site** for operation, and **not** a centralized platform. When read in the light of the specification, Eggleston teaches that a sponsor (1) purchases incentive programs from the sponsor site of the host, (2) downloads the purchased program to the sponsor's own server, and (3) provides a

link to the host so that the consumer can access the incentive program on the **sponsor's own web server** from a HTML link in the consumer directory of the consumer site of the host.

For example, at col. 14, lines 50-53, Eggleston discloses "[w]hether the sponsor purchases a pre-packaged incentive program or chooses to build an incentive program, the completed incentive program is **downloaded** to the sponsor for installation on a web site of the sponsor." And, at col. 19, lines 14-17, Eggleston discloses "at a step 368 the pre-packaged incentive program is transmitted to the sponsor by electronic mail or other file transfer protocol, so that the sponsor can **download** the incentive program on the sponsor's own server." Eggleston indicates that "the code could be mailed on a disk with instructions for **downloading** into the sponsor's own site." (Eggleston, col. 19, lines 17-19; *also see* Fig. 10). Eggleston discloses "in a step 388 the incentive program that was built is transmitted to the sponsor by conventional means such as electronic mail, disk or file transfer, so that the sponsor can **install** the new incentive program **on the sponsor's server** for the sponsor's own site. (Eggleston, col. 19, lines 44-48; *also see* Fig. 11). Eggleston further discloses, at col. 29, line 67 – col. 30, line 3, "[o]nce payment is confirmed, an application program sends a file containing the incentive program by electronic mail to the sponsor, who can then **download** the incentive program at the sponsor's site." Lastly, Eggleston discloses, at col. 32,

lines 37- 41, "[o]nce payment is confirmed, an application program sends a file containing the incentive program by electronic mail to the sponsor, who can then **download** the incentive program at the sponsor's site".

Consistent with the above, Eggleston then discloses that, after the incentive program has been downloaded and installed on the sponsor's own site, the sponsor provides a link to the host. (Eggleston, col. 19, lines 20-21 and 49-50; col. 30, lines 6-9). Eggleston indicates that "[t]he sponsor database is updated to reflect the presence of the new incentive program, and the sponsor site 194 is updated to include a link to the new incentive program". (Eggleston, col. 14, lines 53-56). The host system updates the consumer directory of the consumer site to link to the incentive program installed on the sponsor's own site. (Eggleston, col. 15, line 66 - col. 16, line 2; col. 19, lines 49-52; col. 26, lines 62-65).

In contrast, independent claims 1 and 25 recite a centralized **platform** in which centralized program activity is accomplished on the centralized platform itself.

Claim 1

Independent claim 1 recites a system for extending sales and use of a resource of programs. The system comprises, among other things, "**a resource of programs** for participation by participants, wherein a participant has one or more

participant accounts" and "a **platform** for providing access to the resource of programs through one or more interfaces via a network, said **programs** to be **operated on the platform**". The system further comprises, among other things, the following interfaces:

an administrative interface for use by an administrator for **interfacing with the platform**, the administrative interface for permitting the administrator to:

access the programs **via the platform**,
select for a client a particular program from the accessed programs, wherein the client has one or more client accounts and wherein the selected particular program is **operated by the platform**,
configure the selected, particular program of the client,
track the configured program of the client, and
consolidate the client accounts of two or more programs of the client or consolidate participant accounts of two or more programs in which the participant is enrolled;

a site coordinator interface for use by a site coordinator for **interfacing with the platform**, the site coordinator interface for permitting the site coordinator to:

access a particular program **via the platform**,
support the particular program of a client **via the platform**,
administrate the particular program **on the platform**,
track progress of the particular program **on the platform**,
issue discretionary awards for the particular program **from the platform**,
export data from the particular program **on the platform**,
calculate awards relating to the particular program **on the platform**, and
fulfill orders of the particular program **via the platform**; and

a participant interface for use by participants of a particular program for **interfacing with the platform**, the participant interface for permitting each participant of the particular program to:

access the particular program **via the platform**; and

review information relating to the accessed, particular program
via the platform.
(Appendix, lines 8-36, Emphasis added.)

As identified above, Eggleston fails to disclose a centralized platform by which to access a resource of programs, but instead discloses the installation and operation of a program at the sponsor's own processor/site. As a result of this deficiency, Eggleston cannot disclose an administrative interface, a site coordinator interface, or a participant interface for "interfacing with the **platform**", as recited in independent claim 1. Eggleston therefore fails to anticipate independent claim 1.

In view of the foregoing, Appellant submits the cited reference does not disclose each and every element of independent claim 1 for at least the reasons given above. As such, the rejection of claim 1 under 35 U.S.C. § 102(b) should be removed. Additionally, claims 3-10 and 13-24 depend from claim 1 and are allowable for at least the same reasons as independent claim 1.

Claim 25

Independent claim 25 recites a method for extending sales and user of a resource of programs, similar to the system recited in claim 1. The method comprises, among other things:

providing **access** to the resource of programs for participation by participants **on a platform**, wherein a participant has one or more participant accounts;

permitting an administrator to:

access the programs **via the platform**,
select for a client a particular program from the accessed programs, wherein a client has one or more client accounts,
configure the selected, particular program of the client,
track the configured program of the client,
operate the selected particular program **on the platform**; and
consolidate the client accounts of two or more programs of the client or consolidate participant accounts of two or more programs in which the participant is enrolled;

permitting a site coordinator to:

access the particular program,
support the particular program of the client **via the platform**,
administrate the particular program **on the platform**,
track progress of the particular program **on the platform**,
issue discretionary awards for the particular program **from the platform**,
export data from the particular program **on the platform**,
calculate awards relating to the particular program **on the platform**, and
fulfill orders of the particular program **via the platform**; and

permitting each participant of a particular program to:

access the particular program **via the platform**, and
review information relating to the accessed, particular program **via the platform**. (Appendix, lines 177-203, Emphasis added).

As explained above with respect to independent claim 1, Eggleston fails to disclose a centralized platform by which to access a resource of programs, but instead discloses the installation and operation of a program at the sponsor's own processor/site. As a result of this deficiency, Eggleston cannot disclose each and every permitted action as recited in independent claim 25, where the actions are

performed "via the platform" or alternately "on the platform", as emphasized above. Eggleston therefore fails to anticipate independent claim 25.

In view of the foregoing, Appellant submits the cited reference does not disclose each and every element of independent claim 25 for at least the reasons given above. As such, the rejection of claim 25 under 35 U.S.C. § 102(b) should be removed. Additionally, claims 27-47 depend from claim 25 and are allowable for at least the same reasons as independent claim 25.

d. Contrary to Examiner's Arguments, Eggleston does not teach the consolidated accounts.

In paragraph 9, page 5 of the final Office action, the Examiner argues that Eggleston discloses merging or consolidating client or participant accounts, as "[t]he sponsor is also permitted to design combinations of incentive programs, so that, for example, successful completion of a given incentive program results in eligibility to participate in another incentive program". (Office action, page 5, paragraph 9, citing Eggleston, col. 35, lines 5-9). However, it is unclear to Appellant how the cited portion of Eggleston discloses the consolidation of client or participant accounts – the cited portion merely indicates that incentive programs can be operated sequentially, such that when a participant completes one incentive program, the participant becomes eligible to participate in a subsequent program.

(Eggleston, col. 35, lines 3–20). For example, "the successful completion of a customer loyalty program might render a consumer eligible for a sweepstakes prize, or victory in a sweepstakes might provide customer loyalty points for a prize". (Eggleston, col. 35, lines 31–34). Eggleston further discloses that a combination of incentive programs may run in parallel, "in that victory in a sweepstakes might provide an immediate prize, as well as points in a customer loyalty incentive program." (Eggleston, col. 35, lines 34–36).

In contrast, independent claims 1 and 25 recite a centralized platform that permits, among other things, consolidating the client accounts of two or more programs of the same client via the platform or consolidating the participant accounts of two or more programs (which could be offered by different clients) in which the participant is enrolled via the platform.

Claim 1

Independent claim 1 recites a system for extending sales and use of a resource of programs. The system comprises, among other things, a resource of programs for participation by participants, "wherein a participant has one or more **participant accounts**" and a platform for providing access to the resource of programs through one or more interfaces via a network, said programs to be operated on the platform". The system further comprises, among other things, **an**

administrative interface for use by an administrator for interfacing with the platform, the administrative interface for permitting the administrator to:

access the programs via the platform,
select for a client a particular program from the accessed programs,
wherein the client has one or more client accounts and wherein the
selected particular program is operated by the platform,
configure the selected, particular program of the client,
track the configured program of the client, and
**consolidate the client accounts of two or more programs of the
client or consolidate participant accounts of two or more
programs in which the participant is enrolled; . . .**

(Appendix, lines 10–18, Emphasis added.)

As identified above, Eggleston fails to disclose consolidating client accounts of two or more programs of the client or consolidating participant accounts of two or more programs in which the participant is enrolled, as Eggleston instead discloses permitting a sponsor to design a combination of incentive programs to run sequentially or in parallel based on consumer participation. As a result of this deficiency, Eggleston cannot disclose an administrative interface for use by an administrator for interfacing with the platform, where the administrative interface permits an administrator to "consolidate the **client accounts of two or more programs of the client or consolidate participant accounts of two or more programs in which the participant is enrolled**", as recited in independent claim 1. Eggleston therefore fails to anticipate independent claim 1.

In view of the foregoing, Appellant submits that the cited reference does not disclose each and every element of independent claim 1 for at least the reasons given above. As such, rejection of claim 1 under 35 U.S.C § 102(b) should be removed. Additionally, claims 3-10 and 13-24 depend from claim 1 and are allowable for at least the same reasons as independent claim 1.

Claim 25

Independent claim 25 recites a method for extending sales and user of a resource of programs, similar to the system recited in claim 1. The method comprises, among other things:

- providing access to the resource of programs for participation by participants on a platform, wherein **a participant has one or more participant accounts;**
- permitting an administrator to:
 - access the programs via the platform,
 - select for a client a particular program from the accessed programs, wherein **a client has one or more client accounts,**
 - configure the selected, particular program of the client,
 - track the configured program of the client,
 - operate the selected particular program on the platform; and
 - consolidate the client accounts of two or more programs of the client or consolidate participant accounts of two or more programs in which the participant is enrolled; . . .**

(Appendix, lines 177-188, Emphasis added).

As explained above with respect to claim 1, Eggleston fails to disclose consolidating client accounts of two or more programs of the client or

consolidating participant accounts of two or more programs in which the participant is enrolled, as Eggleston instead discloses permitting a sponsor to design a combination of incentive programs to run sequentially or in parallel based on consumer participation. As a result of this deficiency, Eggleston cannot disclose permitting an administrator to "consolidate the **client accounts of two or more programs of the client** or **consolidate participant accounts of two or more programs in which the participant is enrolled**", as recited in independent claim 25. Eggleston therefore fails to anticipate independent claim 25.

In view of the foregoing, Appellant submits the cited reference does not disclose each and every element of independent claim 25 for at least the reasons given above. As such, the rejection of claim 25 under 35 U.S.C. § 102(b) should be removed. Additionally, claims 27-47 depend from claim 25 and are allowable for at least the same reasons as independent claim 25.

e. Contrary to Examiner's Arguments, Eggleston does not teach a separate site coordinator interface.

In paragraph 10, page 6 of the final Office action, the Examiner argues Eggleston discloses a site coordinator interface as recited in claim 1 and discloses a method of permitting a site coordinator to perform the function recited in claim 25.

According to the Examiner, Eggleston discloses a "third party on Figure 21 performing the above functions." Eggleston, however, indicates that Figure 21 is a "flow chart that depicts the flow of information among the components" of its incentive program system (*see* Eggleston, col. 9, lines 49-50), and further indicates that the third party **merely** provides fulfillment for a subset of prize "winners" who are set up for third party fulfillment. (*See* Eggleston, col. 46, lines 36-41). If fulfillment is to be done by the third party, the system in Eggleston mails the information to the third party for fulfillment. (Eggleston, col. 46, lines 41-43). In other words, the third party described in Eggleston does not provide or perform any functions beyond prize fulfillment.

In contrast, independent claims 1 and 25 recite a centralized platform that permits, among other things, a site coordinator to perform various actions for a particular program via the platform.

Claim 1

Independent claim 1 recites a system for extending sales and use of a resource of programs. The system comprises, among other things, a resource of programs for participation by participants, and a platform for providing access to the resource of programs through one or more interfaces via a network, said

programs to be operated on the platform. The system further comprises, among other things:

a site coordinator interface for use by a site coordinator for **interfacing with the platform**, the site coordinator interface for permitting the site coordinator to:

access a particular program **via the platform**,
support the particular program of a client **via the platform**,
administrate the particular program **on the platform**,
track progress of the particular program **on the platform**,
issue discretionary awards for the particular program **from the platform**,
export data from the particular program **on the platform**,
calculate awards relating to the particular program **on the platform**,
and
fulfill orders of the particular program **via the platform**;

(Appendix, lines 19-30, Emphasis added.)

As indicated above, Eggleston fails to disclose a site coordinator interface as recited in independent claim 1, but instead discloses prize fulfillment by a third party that receives fulfillment information by mail and not a site coordinator interface for access and support. Like in Section A above, it remains unclear to Appellant how Eggleston discloses the elements of claim 1, as the Examiner again fails to particularly point out or identify the features of Eggleston in the cited portions that arguably disclose the elements of independent claim 1.

In view of the foregoing, Appellant submits that the cited reference does not disclose each and every element of independent claim 1 for at least the reasons given above. As such, the rejection of claim 1 under 35 U.S.C. § 102(b) should be

removed. Additionally, claims 3-10 and 13-24 depend from claim 1 and are allowable for at least the same reasons as independent claim 1.

Claim 25

Independent claim 25 recites a method for extending sales and user of a resource of programs, similar to the system recited in claim 1. The method comprises, among other things:

 permitting a **site coordinator** to:
 access the particular program,
 support the particular program of the client via the platform,
 administrate the particular program on the platform,
 track progress of the particular program on the platform,
 issue discretionary awards for the particular program from the platform,
 export data from the particular program on the platform,
 calculate awards relating to the particular program on the platform, and
 fulfill orders of the particular program via the platform; and
(Appendix, lines 189-199, Emphasis added.)

As explained above with respect to independent claim 1, Eggleston fails to disclose permitting a site coordinator to perform various actions for a particular program as recited in claim 25, but instead discloses prize fulfillment by a third party that receives fulfillment information by mail and not a site coordinator interface for access and support. It remains unclear to Appellant how Eggleston discloses the elements of claim 25, as the Examiner again fails to particularly point

out or identify the features of Eggleston in the cited portions that arguably disclose the elements of independent claim 25.

In view of the foregoing, Appellant submits the cited reference does not disclose each and every element of independent claim 25 for at least the reasons given above. As such, the rejection of claim 25 under 35 U.S.C. § 102(b) should be removed. Additionally, claims 27-47 depend from claim 25 and are allowable for at least the same reasons as independent claim 25.

f. Contrary to Examiner's Arguments, Eggleston does not teach a site coordinator interface which is different than the administrative interface.

In paragraph 11, page 6-7 of the final Office action, the Examiner disagrees that Eggleston does not disclose a site coordinator interface which is different than the administrative interface and argues that Eggleston in fact does disclose a site coordinator interface that provides site coordinator functions, which is different than an administrator interface that provides administrator functions. According to the Examiner, Eggleston discloses in Figure 21 a site coordinator "(i.e. third party company) accessing, select tracking and fulfillment of the awards . . .". (Office action, page 6, paragraph 11). The Examiner further argues that Figure 21 shows an administrator, "(i.e. sponsoring company being different than the third party company) . . . tracking, calculating and consolidating the award programs" and Figures 17 and 18 show the participants, "i.e. employees or

customers being different than the third party company and the sponsoring company . . . accessing, reviewing and obtaining the prizes of incentive programs . . .". *Id.* The Examiner concludes by stating that Eggleston therefore discloses three separate and distinct entities. (Office action, page 7, paragraph 11).

Eggleston, however, indicates that Figure 21 is a "flow chart that depicts the flow of information among the components" of its incentive program system (*see* Eggleston, col. 9, lines 49-50), and further indicates that the third party merely provides fulfillment for a subset of prize "winners" who are set up for third party fulfillment. (*See* Eggleston, col. 46, lines 36-41). If fulfillment is to be done by the third party, the system in Eggleston mails the information to the third party for fulfillment. (Eggleston, col. 46, lines 41-43). In other words, the third party in Eggleston does not provide or perform any functions beyond prize fulfillment. Eggleston also indicates that if the sponsoring firm is to fulfill the prize, the information is mailed to the sponsoring firm for fulfillment. (Eggleston, col. 46, lines 43-44). Eggleston does not describe the sponsoring firm as performing any other function in Figure 21. (*See* Eggleston, col. 46, lines 33-61).

In contrast, independent claims 1 and 25 recite a centralized platform that permits, among other things, a site coordinator to perform various actions for a particular program and an administrator to perform various administrative actions via the centralized platform.

Claim 1

The system of independent claim 1 comprises, among other things, the following interfaces:

an administrative interface for use by an administrator for interfacing with the platform, the administrative interface for permitting the administrator to:

- access the programs via the platform,
- select for a client a particular program from the accessed programs, wherein the client has one or more client accounts and wherein the selected particular program is operated by the platform,
- configure the selected, particular program of the client,
- track the configured program of the client, and
- consolidate the client accounts of two or more programs of the client or consolidate participant accounts of two or more programs in which the participant is enrolled;

a site coordinator interface for use by a site coordinator for interfacing with the platform, the site coordinator interface for permitting the site coordinator to:

- access a particular program via the platform,
- support the particular program of a client via the platform,
- administrate the particular program on the platform,
- track progress of the particular program on the platform,
- issue discretionary awards for the particular program from the platform,
- export data from the particular program on the platform,
- calculate awards relating to the particular program on the platform,
- and
- fulfill orders of the particular program via the platform; and

a participant interface for use by participants of a particular program for interfacing with the platform, the participant interface for permitting each participant of the particular program to:

- access the particular program via the platform; and

review information relating to the accessed, particular program via the platform.
(Appendix, lines 8-36, Emphasis added.)

As indicated above, Eggleston fails to disclose an administrative interface or a site coordinator interface as recited in claim 1, but instead discloses prize fulfillment by either a sponsoring firm or a third party that receives fulfillment information by mail and not a site coordinator interface or an administrator interface for access and support. It remains unclear to Appellant how Eggleston discloses the elements of claim 1, as the Examiner again fails to particularly point out or identify the features of Eggleston in the cited portions that arguably disclose the elements of independent claim 1.

In view of the foregoing, Appellant submits that the cited reference does not disclose each and every element of independent claim 1 for at least the reasons given above. As such, the rejection of claim 1 under 35 U.S.C. § 102(b) should be removed. Additionally, claims 3-10 and 13-24 depend from claim 1 and are allowable for at least the same reasons as independent claim 1.

Claim 25

The method of independent claim 25 comprises, among other things:

permitting an administrator to:
access the programs via the platform,

select for a client a particular program from the accessed programs, wherein a client has one or more client accounts, configure the selected, particular program of the client, track the configured program of the client, operate the selected particular program on the platform; and consolidate the client accounts of two or more programs of the client or consolidate participant accounts of two or more programs in which the participant is enrolled;

permitting a site coordinator to:

access the particular program,
support the particular program of the client via the platform,
administrate the particular program on the platform,
track progress of the particular program on the platform,
issue discretionary awards for the particular program from the platform,
export data from the particular program on the platform,
calculate awards relating to the particular program on the platform, and
fulfill orders of the particular program via the platform;

(Appendix, lines 179-199, Emphasis added).

As explained above with respect to independent claim 1, Eggleston fails to disclose permitting an administrator or a site coordinator to perform actions via the platform as recited in claim 1, but instead discloses prize fulfillment by either a sponsoring firm or a third party that receives fulfillment information by mail and not a site coordinator interface or an administrator interface for access and support. It remains unclear to Appellant how Eggleston discloses the elements of claim 25, as the Examiner again fails to particularly point out or identify the features of Eggleston in the cited portions that arguably disclose the elements of independent claim 25.

In view of the foregoing, Appellant submits the cited reference does not disclose each and every element of independent claim 25 for at least the reasons given above. As such, the rejection of claim 25 under 35 U.S.C. § 102(b) should be removed. Additionally, claims 27-47 depend from claim 25 and are allowable for at least the same reasons as independent claim 25.

B. Rejection under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,061,660 in view of Official Notice

Claims 11-12 depend from claim 1 and are allowable for at least the same reasons as stated above with respect to claim 1.

VIII. CONCLUSION

For the reasons stated above, appellant respectfully requests that the Office's rejections be reversed and that claims 1, 3-25 and 27-47 be allowed.

Respectfully submitted,

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1 **IX. CLAIMS APPENDIX**

2 Claim 1 (previously presented): A system for extending sales and use of a
3 resource of programs comprising:

4 a resource of programs for participation by participants, wherein a
5 participant has one or more participant accounts;

6 a platform for providing access to the resource of programs through one or
7 more interfaces via a network, said programs to be operated on the platform;

8 an administrative interface for use by an administrator for interfacing with
9 the platform, the administrative interface for permitting the administrator to:

10 access the programs via the platform,

11 select for a client a particular program from the accessed programs,

12 wherein the client has one or more client accounts and wherein the

13 selected particular program is operated by the platform,

14 configure the selected, particular program of the client,

15 track the configured program of the client, and

16 consolidate the client accounts of two or more programs of the client

17 or consolidate participant accounts of two or more programs in which

18 the participant is enrolled;

19 a site coordinator interface for use by a site coordinator for interfacing with
20 the platform, the site coordinator interface for permitting the site coordinator to:

21 access a particular program via the platform,
22 support the particular program of a client via the platform,
23 administrate the particular program on the platform,
24 track progress of the particular program on the platform,
25 issue discretionary awards for the particular program from the
26 platform,
27 export data from the particular program on the platform,
28 calculate awards relating to the particular program on the platform,
29 and
30 fulfill orders of the particular program via the platform; and
31 a participant interface for use by participants of a particular program for
32 interfacing with the platform, the participant interface for permitting each
33 participant of the particular program to:
34 access the particular program via the platform; and
35 review information relating to the accessed, particular program via the
36 platform.

37
38 Claim 2 (canceled).
39

40 Claim 3 (original): The system of claim 1 including three distinct web sites,
41 one for implementing each of the administrative interface, the site coordinator
42 interface and the participant interface.
43

44 Claim 4 (original): The system of claim 1 wherein capabilities provided by
45 the participant interface include award information and award requests.
46

47 Claim 5 (original): The system of claim 1 further comprising a "do-it-
48 yourself" interface permitting clients to access the platform to set up additional
49 programs or supplemental programs.
50

51 Claim 6 (original): The system of claim 1 wherein the administrative
52 interface permits the administrator to perform one or more of the following with
53 regard to program configuration: setting up a program, maintaining information of
54 a program, maintaining a contact list of a program, maintaining a site coordinator
55 list of a program, maintaining a product list of a program, defining hierarchy of
56 participants of a program, controlling hierarchy of participants of a program,
57 selecting payout rules of a program, maintaining payout rules of a program,
58 specifying top performer rules of a program, maintaining top performer rules of a
59 program, maintaining a multiplier list of a program, maintaining an enrollment

template of a program, maintaining a performance template of a program, revising a program, activating a program, deactivating a program, selecting an reward, defining an reward, defining attributes of an reward and/or consolidating accounts of two or more programs, consolidating two or more program accounts of a participant.

Claim 7 (original): The system of claim 1 wherein rewards may take any form and wherein the administrative interface permits the administrator to designate various rewards to be used with the same program and/or to designate a particular reward to be used within different programs.

Claim 8 (original): The system of claim 1 wherein rewards may take any form and wherein the administrative interface permits the administrator to designate each reward and its attributes and/or to designate which attributes are to be associated with a particular participant.

Claim 9 (original): The system of claim 1 wherein rewards may take any form and wherein the administrative interface permits the administrator to designate each reward and its attributes and/or to designate which attributes are to be associated with a performance parameter.

80

81 Claim 10 (previously presented): The system of claim 1 wherein the client
82 may consolidate client accounts of two or more programs of the client or
83 consolidate participant accounts of two or more programs in which the participant
84 is enrolled.

85

86 Claim 11 (original): The system of claim 1 wherein a client or administrator
87 creating a program is directed to creating a participant website for facilitating
88 communication with each participant.

89

90 Claim 12 (original): The system of claim 11 wherein creating a participant
91 website comprises selecting from a plurality of templates and selecting from
92 various libraries artwork and other details to plug into the selected website
93 template.

94

95 Claim 13 (original): The system of claim 1 wherein an administrator is
96 permitted to define a hierarchical group of participants and is permitted to define a
97 rule applies to a selected group of participants wherein the hierarchical and
98 selected groups are different.

99

100 Claim 14 (original): The system of claim 1 wherein an administrator is
101 permitted to define a hierarchical group of participants of a program according to
102 geographical location so that the hierarchy is defined by location.
103

104 Claim 15 (original): The system of claim 1 further comprising an enrollment
105 template including participant information which is downloaded from the platform
106 for population of the participant information and which is uploaded to the program
107 for transferring the participant information from the template to the program.
108

109 Claim 16 (original): The system of claim 1 wherein the administrative
110 interface permits the administrator to perform one or more of the following with
111 regard to program tracking: track usage of a program, track undelivered email of a
112 program, track earned points of a program, track issued points of a program, and/or
113 track activity of a program.
114

115 Claim 17 (original): The system of claim 1 wherein the site coordinator
116 interface permits the site coordinator to perform one or more of the following with
117 regard to program support: conduct program administration of a program, track
118 progress of a program, manage discretionary awards of a program, export data of a
119 program, calculate awards of a program, and/or fulfill orders of a program.

120

121 Claim 18 (original): The system of claim 1 wherein the site coordinator
122 interface permits the site coordinator to perform one or more of the following with
123 regard to program administration: maintain organization of a program, enroll
124 participants of a program, add performance data of a program, revise performance
125 data of a program, audit performance data of a program, release awards of a
126 program, maintain participant data, activate one or more participants of a program,
127 and/or inactivate one or more participants of a program.

128

129 Claim 19 (original): The system of claim 1 wherein the site coordinator
130 interface permits the site coordinator to perform one or more of the following with
131 regard to progress tracking: generate enrollment reports of a program, generate
132 progress reports of participants of a program, generate account history reports of a
133 program, generate management information reports of a program, generate top
134 performer reports of a program, generate performance listings of a program,
135 generate issuance reports of a program, generate trouble shooting reports of a
136 program, and/or generate a user guide of a program.

137

138 Claim 20 (original): The system of claim 1 wherein the site coordinator
139 interface permits the site coordinator to perform one or more of the following with

140 regard to discretionary awards: managing half penny points, managing 25 dollar
141 points, managing individual travel awards, managing branded cards and/or
142 managing group travel.

143
144 Claim 21 (original): The system of claim 1 wherein the site coordinator
145 interface permits the site coordinator to perform one or more of the following with
146 regard to data exporting: print labels of a program, export mail of a program,
147 export analysis data of a program, export tax data of a program, download
148 enrollment templates of a program, and/or download performance templates of a
149 program.

150
151 Claim 22 (original): The system of claim 1 wherein the site coordinator
152 interface permits the site coordinator to perform one or more of the following with
153 regard to award calculation: calculate performance payout of a program, calculate
154 manager override payout of a program, and/or calculate top performer payout of a
155 program.

156
157 Claim 23 (original): The system of claim 1 wherein the site coordinator
158 interface permits the site coordinator to perform one or more of the following with
159 regard to order fulfillment: deposit points of a program, order items of a program,

generate emails regarding group travel of a program, record orders of a program,
and/or purchase awards of a program.

Claim 24 (original): The system of claim 1 wherein the participant interface
permits the participant to perform one or more of the following with regard to the
access of program information: review all programs of which the participant is
involved, review program home pages of programs of which the participant is
involved, review program rules of programs of which the participant is involved,
review program awards of programs of which the participant is involved, review
the participant's progress of programs of which the participant is involved, review
account history of programs of which the participant is involved, review terms and
conditions of programs of which the participant is involved, maintain participant
data of the participant of programs of which the participant is involved and/or
completing survey as a performance subject to reward.

Claim 25 (previously presented): A method for extending sales and use of a
resource of programs comprising:
providing access to the resource of programs for participation by participants
on a platform, wherein a participant has one or more participant accounts;
permitting an administrator to:

180 access the programs via the platform,
181 select for a client a particular program from the accessed programs,
182 wherein a client has one or more client accounts,
183 configure the selected, particular program of the client,
184 track the configured program of the client,
185 operate the selected particular program on the platform; and
186 consolidate the client accounts of two or more programs of the client
187 or consolidate participant accounts of two or more programs in which
188 the participant is enrolled;
189 permitting a site coordinator to:
190 access the particular program,
191 support the particular program of the client via the platform,
192 administrate the particular program on the platform,
193 track progress of the particular program on the platform,
194 issue discretionary awards for the particular program from the
195 platform,
196 export data from the particular program on the platform,
197 calculate awards relating to the particular program on the platform,
198 and
199 fulfill orders of the particular program via the platform; and

200 permitting each participant of a particular program to:

201 access the particular program via the platform, and

202 review information relating to the accessed, particular program via the
203 platform.

204
205 Claim 26 (canceled).
206

207 Claim 27 (original): The method of claim 25 wherein each participant is
208 permitted to receive award information and request award.
209

210 Claim 28 (original): The method of claim 25 wherein the client is permitted
211 to access the platform to set up additional programs or supplemental programs.
212

213 Claim 29 (original): The method of claim 25 wherein the administrator is
214 permitted to perform one or more of the following with regard to configuring the
215 selected, particular program of the client: setting up a program, maintaining a
216 information of a program, maintaining a contact list of a program, maintaining a
217 site coordinator list of a program, maintaining a product list of a program, defining
218 hierarchy of participants of a program, controlling hierarchy of participants of a
219 program, selecting payout rules of a program, maintaining payout rules of a

program, specifying top performer rules of a program, maintaining top performer rules of a program, maintaining a multiplier list of a program, maintaining an enrollment template of a program, maintaining a performance template of a program, revising a program, activating a program, deactivating a program, selecting an reward, defining an reward, defining attributes of an reward and/or consolidating accounts of two or more programs, consolidating two or more program accounts of a participant.

Claim 30 (original): The method of claim 25 wherein rewards may take any form and wherein the administrator is permitted to designate various rewards to be used with the same program and/or to designate a particular reward to be used within different programs.

Claim 31 (original): The method of claim 25 wherein rewards may take any form and wherein the administrator is permitted to designate each reward and its attributes and/or to designate which attributes are to be associated with a particular participant.

Claim 32 (original): The method of claim 25 wherein rewards may take any form and wherein the administrator is permitted to designate each reward and its

attributes and/or to designate which attributes are to be associated with a
performance parameter.

Claim 33 (previously presented): The method of claim 25 wherein the client
is permitted consolidate client accounts of two or more programs of the client or
consolidate participant accounts of two or more programs in which the participant
is enrolled.

Claim 34 (original): The method of claim 25 wherein a client or
administrator creating a program is directed to create a participant website for
facilitating communication with each participant.

Claim 35 (original): The method of claim 34 wherein creating a participant
website comprises selecting from a plurality of templates and selecting from
various libraries artwork and other details to plug into the selected website
template.

Claim 36 (original): The method of claim 25 wherein an administrator is
permitted to define a hierarchical group of participants and is permitted to define a

rule applies to a selected group of participants wherein the hierarchical and selected groups are different.

Claim 37 (original): The method of claim 25 wherein an administrator is permitted to define a hierarchical group of participants of a program according to geographical location so that the hierarchy is defined by location.

Claim 38 (original): The method of claim 25 further comprising an enrollment template including participant information which is downloaded from the platform for population of the participant information and which is uploaded to the program for transferring the participant information from the template to the program.

Claim 39 (original): The method of claim 25 wherein the administrative interface permits the administrator to perform one or more of the following with regard to program tracking: track usage of a program, track undelivered email of a program, track earned points of a program, track issued points of a program, and/or track activity of a program.

Claim 40 (original): The method of claim 25 wherein the site coordinator is permitted to perform one or more of the following with regard to program support: conduct program administration of a program, track progress of a program, manage discretionary awards of a program, export data of a program, calculate awards of a program, and/or fulfill orders of a program.

Claim 41 (original): The method of claim 25 wherein the site coordinator is permitted to perform one or more of the following with regard to program administration: maintain organization of a program, enroll participants of a program, add performance data of a program, revise performance data of a program, audit performance data of a program, release awards of a program, maintain participant data, activate one or more participants of a program, and/or inactivate one or more participants of a program.

Claim 42 (original): The method of claim 25 wherein the site coordinator is permitted to perform one or more of the following with regard to progress tracking: generate enrollment reports of a program, generate progress reports of participants of a program, generate account history reports of a program, generate management information reports of a program, generate top performer reports of a program, generate performance listings of a program, generate issuance reports of a

program, generate trouble shooting reports of a program, and/or generate a user
guide of a program.

Claim 43 (original): The method of claim 25 wherein the site coordinator is
permitted to perform one or more of the following with regard to discretionary
awards: managing half penny points, managing 25 dollar points, managing
individual travel awards, managing branded cards and/or managing group travel.

Claim 44 (original): The method of claim 25 wherein the site coordinator is
permitted to perform one or more of the following with regard to data exporting:
print labels of a program, export mail of a program, export analysis data of a
program, export tax data of a program, download enrollment templates of a
program, and/or download performance templates of a program.

Claim 45 (original): The method of claim 25 wherein the site coordinator is
permitted to perform one or more of the following with regard to award
calculation: calculate performance payout of a program, calculate manager
override payout of a program, and/or calculate top performer payout of a program.

Claim 46 (original): The method of claim 25 wherein the site coordinator interface permits the site coordinator to perform one or more of the following with regard to order fulfillment: deposit points of a program, order items of a program, generate emails regarding group travel of a program, record orders of a program, and/or purchase awards of a program.

Claim 47 (original): The method of claim 25 wherein the participant is permitted to perform one or more of the following with regard to the access of program information: review all programs of which the participant is involved, review program home pages of programs of which the participant is involved, review program rules of programs of which the participant is involved, review program awards of programs of which the participant is involved, review the participant's progress of programs of which the participant is involved, review account history of programs of which the participant is involved, review terms and conditions of programs of which the participant is involved, maintain participant data of the participant of programs of which the participant is involved and/or completing survey as a performance subject to reward.

Claim 48. (withdrawn) A method of doing business for selling programs comprising:

providing a platform for accessing programs (such as available via resource);
contracting with a VAR to configure and track via the platform the programs for
clients of the VAR;
authorizing a site coordinator to administer and track via the platform progress of
the programs; and
permitting participants via the platform to review their program and award
information.

Claim 49. (withdrawn) The method of claim 48 wherein the VAR is
responsible for payment to the system developer for programs of their clients.

Claim 50. (withdrawn) The method of claim 48 wherein the system
developer will pay commissions on the sale of program awards through the VAR's
programs.

Claims 51–81 (canceled).

X. EVIDENCE APPENDIX

None.

XI. RELATED PROCEEDINGS APPENDIX

None.